

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

TYLT, INC.,

CASE NO. C19-0646JLR

Plaintiff,

ORDER DISMISSING CASE

V.

WIRELESS ADVOCATES, LLC, et al.,

Defendants.

On March 18, 2020, the court issued a show cause order demanding that Plaintiff Tylt, Inc. (“Tylt”) “show cause why this case should not be dismissed for lack of subject matter jurisdiction.” (3/18/20 Order (Dkt. # 35) at 3.) The court warned Tylt that failure to respond and show cause within seven days of the date of the court’s order would result in dismissal of this case without prejudice. (*See id.*) Tylt did not respond to the court’s order within seven days. (*See generally* Dkt.)

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Although Tylt’s failure to respond to the court’s order provides sufficient grounds to dismiss this case without prejudice, Defendants Car Toys, Inc. (“Car Toys”) and Wireless Advocates, LLC (“Wireless Advocates”) (collectively, “Defendants”) submitted evidence that the court lacks subject matter jurisdiction over this case. Tylt alleges that the court has diversity jurisdiction over this action. (*See* Compl. (Dkt. # 1) ¶ 4.) Federal diversity jurisdiction requires complete diversity of citizenship between the parties, such that no plaintiff is a citizen of the same state as any defendant. *See Morris v. Princess Cruises, Inc.*, 236 F.3d 1061, 1067 (9th Cir. 2001). Defendants filed an amended corporate disclosure statement indicating that one of Wireless Advocates’ members, Jeff Pirtle, is a citizen of the state of California. (*See* Corp. Disc. (Dkt. # 36) at 1-2.) Tylt’s principal place of business is California. (*See* Compl. ¶ 1.) For purposes of diversity jurisdiction, a corporation is a citizen of the state in which it is incorporated and the state where it has its principal place of business, 28 U.S.C. § 1332(c)(1), and a limited liability company is “a citizen of every state of which its owners/members are citizens,” *Johnson v. Columbia Properties Anchorage, LP*, 437 F.3d 894, 899 (9th Cir. 2006). Thus, Tylt and Wireless Advocates are both citizens of California, which means the court lacks diversity jurisdiction over this case. Accordingly, the court DISMISSES this case with prejudice.

Dated this 27th day of March, 2020.



JAMES L. ROBART
United States District Judge